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 Entertainment, Inc. and Defendant and  
 Counter-Claimant Ticketmaster LLC*

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 WESTERN DIVISION JUDICIAL DISTRICT

Complete Entertainment Resources LLC  
 d/b/a Songkick,

Plaintiff,

v.

Live Nation Entertainment, Inc.;  
 Ticketmaster LLC,

Defendants.

Ticketmaster LLC,

Counter-Claimant,

v.

Complete Entertainment Resources LLC  
 d/b/a Songkick,

Counter-Defendant.

CASE NO. 2:15-CV-09814 DSF  
 (AGRx)

**DECLARATION OF ROBERT J.  
 ELLISON IN SUPPORT OF  
 DEFENDANTS AND COUNTER-  
 CLAIMANT'S *EX PARTE*  
 APPLICATION TO RESCHEDULE  
 PRETRIAL CONFERENCE AND  
 DAUBERT HEARING FROM  
 OCTOBER 16 TO OCTOBER 17,  
 18, 19, 20, 23, 24, 25, 26, OR 27, OR  
 ANY OTHER DATE  
 CONVENIENT FOR THE COURT**

The Honorable Dale S. Fischer

Current Pretrial Conference Date:  
 October 16, 2017

Current Trial Date:  
 Nov. 14, 2017

1 I, Robert J. Ellison, declare as follows:

2 1. I am an associate at the law firm of Latham & Watkins LLP, attorneys  
3 for Defendant Live Nation Entertainment, Inc. and Defendant and Counter-  
4 Claimant Ticketmaster LLC (together, “Defendants”). I am an attorney in good  
5 standing in the State of California. I have personal knowledge of the facts set forth  
6 below, and if called upon to do so, can and will competently testify thereto.

7 2. Defendants’ lead counsel, Daniel M. Wall, is teaching a session  
8 entitled “Law and Economics of Monopoly Power and Unilateral Conduct” at the  
9 Antitrust Judicial Training Institute at the University of Chicago Law School on  
10 October 16, 2017, the same date as the pretrial conference and *Daubert* hearing.  
11 The course is a joint production of the Federal Judicial Center, the ABA Antitrust  
12 Section, and the University of Chicago Law School.

13 3. Mr. Wall committed to teach at this program several months ago, but  
14 only recently learned the exact date—and that it conflicted with the pretrial  
15 conference and *Daubert* hearing.

16 4. On August 29, 2017, Defendants emailed counsel for Songkick,  
17 proposing a joint stipulation to reschedule the pretrial conference and *Daubert*  
18 hearing in light of Mr. Wall’s immovable conflict. *See* Ex. 1.

19 5. On August 30, 2017, counsel for Songkick responded that it is  
20 prepared to proceed with the pretrial conference on October 16, but it did not  
21 intend to oppose Defendants’ request as long as any change in the pretrial  
22 conference date does not result in a trial continuance. *Id.*

23 6. On August 30, 2017, Defendants sent a copy of this *ex parte*  
24 application to Songkick. *Id.*

25 7. That same day, Counsel for Songkick responded that it would not  
26 oppose Defendants’ request. *Id.*

27 8. Defendants have made seven previous extension requests. The first  
28 was when Defendants requested an additional 40 days to respond to Songkick’s

1 Complaint (ECF No. 19); the second was when Defendants requested an additional  
2 two weeks to respond to Songkick's motion for a preliminary injunction (ECF No.  
3 28); the third was when Defendants requested an additional two weeks to respond  
4 to Songkick's motions to compel (ECF No. 82); the fourth was when the parties  
5 jointly requested to modify the deadlines for the fact discovery, expert discovery,  
6 and summary judgment portions of the case schedule (ECF No. 146); the fifth was  
7 when the parties jointly requested to modify the case schedule for Daubert briefing  
8 (ECF No. 228); the sixth was Defendants' ex parte application to continue the trial  
9 date (ECF No. 261); and the seventh was when the parties jointly requested to  
10 continue the deadline for the Local Rule 16-2 Meeting of Counsel from September  
11 6 to September 22.

12 I declare under penalty of perjury that the foregoing is true and correct.  
13 Executed on August 31, 2017.

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16 Robert J. Ellison  
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